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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

LINDA CONDELLO, an individual,

Case No. 3:19-cv-1985

PLAINTIFF,

COMPLAINT

v.

JURY TRIAL REQUESTED

COLUMBIA COUNTY, an Oregon
municipality,

DEFENDANT.

Plaintiff Linda Condello alleges as follows:

JURISDICTION AND VENUE

1.

This Court has original jurisdiction pursuant to 28 U.S.C. § 1332. The matter in controversy exceeds the value of \$75,000.00, and is between citizens of different states. Plaintiff's permanent domicile is in the state of Washington, and Defendant is a citizen of the state of Oregon.

Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b)(1).

FACTS

2.

On December 8, 2017, Plaintiff was a subpoenaed witness that was required to attend a hearing at the Columbia County Circuit Court, located in St. Helens, Columbia County, Oregon.

3.

Plaintiff was not permitted to enter the courtroom before she was called to testify. She was instructed to wait outside the courtroom in the lobby area, on the second floor of the courthouse. Plaintiff did so.

4.

Not knowing how long Plaintiff would be required to wait, she sought out a place to sit. Plaintiff observed a row of chairs near the large windows facing the courthouse's main parking lot. Plaintiff walked to one of the chairs and sat down.

5.

Once Plaintiff sat on the chair, the chair collapsed from underneath her. An employee of Defendant stated at the time that the chairs were purchased in the 1970's.

6.

Plaintiff sustained multiple injuries due to the chair's collapse, including a torn bicep tendon and a ruptured Achilles tendon. Plaintiff's injuries required surgical treatment.

FIRST CLAIM FOR RELIEF – PREMISES LIABILITY

7.

Plaintiff incorporates paragraphs 1-6 as if set out fully herein.

8.

Plaintiff was a public invitee on the date of injury.

9.

Defendant owed Plaintiff a duty to maintain a reasonably safe premise and to protect her from unreasonable risks of harm.

10.

Defendant knew or should have known that its lobby chairs were old, and that they warranted inspections to assess the necessity of replacements and/or repairs. By not doing so, Defendant created an unreasonable risk to the public.

11.

Defendant breached its duty to Plaintiff by failing to reasonably inspect its chairs for defects and making necessary replacements and/or repairs.

12.

Defendant's unreasonably dangerous premises proximately caused Plaintiff personal injuries.

13.

Plaintiff was not comparatively negligent in causing her injuries.

14.

Plaintiff has incurred \$61,402.23 as a direct result of Defendant's unreasonably dangerous premises. In addition, Plaintiff suffered lost wages in the approximate amount of \$40,000.00.

15.

As a result of Defendant's unreasonably dangerous premises and Plaintiff's subsequent injuries, Plaintiff has experienced pain and aching, interruption in her ability to perform daily activities, interruption in her ability to enjoy recreational activities and to enjoy life, emotional

distress, and anxiety and worry over her condition. Plaintiff's injuries are permanent in nature. Plaintiff requests a sum which is fair for her pain and suffering, but not to exceed the sum of \$350,000.00.

Plaintiff demands a jury trial.

WHEREFORE, Plaintiff prays for relief as follows:

- a) For economic damages in a sum of \$101,402.23;
- b) For noneconomic damages in a sum of \$350,000.00;
- c) For the costs of suit herein incurred; and
- d) For any other such relief the Court deems just and proper.

DATED this 6th day of December, 2019.

By s/ Jacob Johnstun _____
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